

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al.*,

Plaintiffs,

v.

RICK PERRY, *et al.*,

Defendants.

Civil Action No. 2:13-cv-00193

DALLAS COUNTY'S MOTION FOR LEAVE TO PARTICIPATE AS *AMICUS CURIAE*

Dallas County, Texas respectfully moves this Court for leave to participate in this case as *amicus curiae*. As grounds for this motion, Dallas County would show unto the Court that:

1. Dallas County actively participated in this case as a Plaintiff from August 2013 to July 2014.
2. On July 3, 2014, this Court granted the Defendants' motion to dismiss Dallas County as a plaintiff on the grounds that it lacked standing.
3. Dallas County has a continuing interest in this case and wishes to participate as *amicus curiae*. Issues may arise in this case that Dallas County, as one of the largest counties in Texas, can address from a unique perspective. Dallas County has now conducted five elections since SB 14 has been in effect. To the extent that an issue arises in this case regarding implementation of the photo ID requirements by county election officials, Dallas County is uniquely situated to address such issues.

4. If permitted to participate as *amicus curiae*, Dallas County's role would be limited. The County would not participate in ongoing discovery, expert witness depositions, or the trial. Nor would the County envision participating in any proceedings that involve discovery disputes, such as *Daubert* motions. The County would not duplicate arguments made by any of the parties. The County's participation as *amicus curiae* would enable it to closely monitor these proceedings and file legal memoranda from time to time on issues involving implementation of voter ID by local election officials, if they arise.
5. No harm to Defendants would be caused by Dallas County's *amicus* participation because it would not be duplicative of any of the arguments made by the parties, and the Defendants would be free to respond to any filings made by the County.
6. The County is aware, from its earlier participation in this case, that when legal memoranda are filed, they should be concise. Accordingly, we can represent to the Court that no filing would be made by the County that would exceed ten (10) pages.
7. Counsel for the Veasey-LULAC plaintiffs would continue to serve as counsel for the County as *amicus curiae*, thereby further ensuring that there would be no duplication.
8. The law in this circuit favors *amicus* participation by Dallas County given its interest and concerns about implementation of SB 14. "Participation as *amicus curiae* will alert the court to the legal contentions of concerned bystanders, and because it leaves the parties free to run their own case is the strongly preferred option [to intervention]." *Taylor Commc'ns Grp., Inc. v. Sw. Bell Tel. Co.*, 172 F.3d 385, 389 (5th Cir. 1999) (quoting *Bethune Plaza, Inc. v. Lumpkin*, 863 F.2d 525, 532–533 (7th Cir.1988)).

CERTIFICATE OF CONFERENCE

Counsel for the Veasey-LULAC Plaintiffs conferred with counsel for other parties regarding this motion. All parties consented, except Defendants.

WHEREFORE, Dallas County respectfully prays that this motion be granted. A proposed order is attached.

Respectfully submitted,

/s/ Chad W. Dunn

Chad W. Dunn
State Bar No. 24036507
K. Scott Brazil
State Bar No. 02934050
Brazil & Dunn
4201 Cypress Creek Parkway, Suite 530
Houston, Texas 77068
Telephone: (281) 580-6310
Facsimile: (281) 580-6362
chad@brazilanddunn.com
scott@brazilanddunn.com

J. Gerald Hebert
D.C. Bar No. 447676
Emma Simson
Maryland Bar
Campaign Legal Center
215 E Street NE
Washington DC 20002
Telephone (202) 736-2200
ghebert@campaignlegalcenter.org
esimson@campaignlegalcenter.org

Neil G. Baron
State Bar No. 01797080
Law Office of Neil G. Baron
914 FM 517 W, Suite 242
Dickinson, Texas 77539
Telephone (281) 534-2748
Facsimile (281) 534-4309
neil@ngbaronlaw.com

David Richards

State Bar No. 16846000
Richards, Rodriguez & Skeith, LLP
816 Congress Avenue, Suite 1200
Austin, Texas 78701
Telephone (512) 476-0005
Facsimile (512) 476-1513
daverichards4@juno.com

Armand G. Derfner
Derfner, Altman & Wilborn, LLC
P.O. Box 600
Charleston, S.C. 29402
Telephone (843) 723-9804
aderfner@dawlegal.com

Attorneys for All Plaintiffs

LUIS ROBERTO VERA, JR.
LULAC National General Counsel
State Bar No. 20546740
The Law Offices of Luis Vera Jr., and Associates
1325 Riverview Towers, 111 Soledad
San Antonio, Texas 78205-2260
Telephone (210) 225-3300
Facsimile (210) 225-2060
lrqlaw@sbcglobal.net

Attorney for LULAC Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2014, I served a true and correct copy of the foregoing document via the Court's ECF system to all counsel of record.

/s/ Chad W. Dunn
Chad W. Dunn